

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

United States of America)
v.) Cr. No.: 6:08-cr-00202-GRA-1
Dexter Leon Bowens)
Petitioner.)

)

ORDER

(Written Opinion)

This matter is before the Court on Petitioner's Motion for Post-Conviction Relief.

Petitioner brings this claim *pro se*. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982). This Court will construe the petitioner's motions liberally.

The petitioner filed his motion on May 7, 2009. This Court filed an order on December 11, 2009, stating that Petitioner had twenty (20) days from the entry of that order to notify the Clerk of Court if Petitioner did not wish for his motion to be construed as a § 2255 petition. On December 23, 2009, Petitioner refiled the same *pro se* motion and attached a supplemental brief. Construing Petitioner's motions liberally, this Court determines that Petitioner does not wish for his motion to be

construed as a § 2255 motion. Accordingly, the Court will construe the claims under 28 U.S.C. § 2241.

Pursuant to Local Rule 73.02(B)(2)(c), IT IS THEREFORE ORDERED that this matter be referred to a United States magistrate judge for review.

IT IS SO ORDERED.



G. Ross Anderson, Jr.
Senior United States District Judge

January 4, 2010
Anderson, South Carolina